

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

WESTERN LION LIMITED,)	
)	
Petitioner,)	
)	
v.)	PCB 94-332
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on Western Lion Limited's (Western Lion) December 22, 1994 motion for leave to file limited copies. Respondent Illinois Environmental Protection Agency (Agency) has not responded to the motion. Western Lion seeks leave to file limited copies of Exhibit B of its petition for review. Exhibit B is a copy of the application for significant modification permit, which is the subject of this permit appeal. Western Lion states that the application is voluminous, and notes that the Agency has the duty of filing its Agency record with the Board, which will include the application. Thus, Western Lion asks to be relieved of the requirement of filing the original and nine copies. (35 Ill. Adm. Code 101.103(a).)

The motion for leave to file limited copies is granted. The Board will be furnished with sufficient copies of the application in the Agency record. Thus, Western Lion need not file any additional copies, beyond the copy already filed with its petition for review.

We note that on December 1, 1994, we issued an order directing Western Lion to file an amended petition, curing the deficiency of an insufficient number of copies of Exhibit B. Because we have granted the motion to file limited copies, we will construe the motion as the amended petition. As we stated in that December 1 order, the Board's decision timeclock restarted on the date of the filing of the amended petition, which was December 22, 1994.

This matter is accepted for hearing. The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver. (Petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that hearing

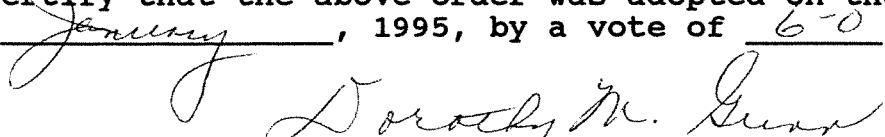
officer.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now April 20, 1995 (120 days from December 22, 1994); there is a Board meeting scheduled on that date.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible. The Board notes that Board rules (35 Ill. Adm. Code 105.102) require the Agency to file the entire Agency record of the permit application within 14 days of notice of the petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 11th day of January, 1995, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board